

Assisted Living Advisory Workgroup Meeting
Monday, July 9, 2003
Office of Health Care Quality
Bland Bryant Building
Administration Conference Room
55 Wade Avenue
Catonsville, Maryland

Meeting Agenda

T E N T A T I V E A G E N D A

Sub-Workgroup Meeting: Large Provider 9:00 AM to 10:00 AM

Full Advisory Workgroup Meeting 10:00 AM to 11:00 AM

- I. Call to Order
- II. Review of Agenda
- III. Review of Meeting Notes from the June 24, 2003, Meeting
- IV. Presentation: Certification of Assisted Living Program Managers by Barbara Shoemaker and David Peete from the Assisted Living Federation of America
- V. Discussion: Certification or Licensure of Program Managers
- VI. Next Steps
 - Sub-Workgroup Meeting for Assessment Tool - July 22, 2003, 9:00 AM
 - Sub-Workgroup Meeting for Level of Care 3 Patients – July 22, 2003, 11:00 AM

Adjourn

Sub-Workgroup Meeting: Definition of Family 11:00 AM to 12 Noon

Note: There will be a presentation at the July 22, 2003, meeting by the Maryland Board of Nursing on a Delegating Nurse Study recently completed by the University of Maryland.

Meeting Notes

In Attendance

- Carol Benner, Chair
- Dorinda Adams
- Valarie Colmore
- Laura Howell
- Ron Jeanneault
- Sharon Olhaver
- Jeff Pepper
- Susan Quast
- Ilene Rosenthal
- Jim Rowe
- Jill Spector
- JoAnne Stough
- Bonnie Gatton
- Marie Ickrath

Advisory Workgroup Members Absent

- Lissa Abrams
- Karin Latkin

Stakeholders Present

- Karen Acton, Sunrise Senior Living
- Denise Adams, Department of Aging
- Mike Bansch, Anne Arundel County
- Dina Barclay, Charles County
- RaeAnn Butler, Edenton Retirement Community
- Marie Butler-Campbell, Quail Run
- Debra Campbell, Montgomery County
- Paula Carder, UMBC
- Carol Carnett, Legal Aid
- Beverly Dolby, Upper Shore Aging
- Mayer Handelman, ASCP and Ocean Pines
- Wesley Malin, Hillhaven and HFAM
- Robert Molder, Anne Arundel County
- Art Neil, Mid-Atlantic Life Span
- Cindy Olmsted, Charles County
- Betty Otaro, Howard County
- Joe Podson, Springvale Terrace
- Cathy Putz, Maryland Board of Pharmacy

- Kendra Queen, Montgomery County
- Peggy Rightnour, Howard County
- Lew Price, Somerford Corporation
- Fran Stoner, Department of Aging
- Deborah Tolliver, Anne Arundel County

Guest Present

- David Peete, Assisted Living Federation of America

Staff Present

- Lynne Condon, Health Facilities Nurse Surveyor
- Yvette Dixon, Special Assistant
- William Dorrill, Deputy Director for State Programs
- Kimberly Mayer, Policy Analyst
- Valerie Richardson, Assisted Living Program Licensing Unit Supervisor

I. Meeting One: Large Provider Sub-Workgroup Meeting

The Large Provider Sub-Workgroup was called to order at appropriately 9:00 AM. Ms. Benner thanked the attendees for their interest in Maryland's assisted living program and asked that all attendees introduce themselves and note the organization that they represent.

It was noted that the Large Provider Sub-Workgroup was created to draft recommendations on how to define a "large" provider and to develop appropriate standards for these providers.

Consensus Statement: Maryland needs to increase oversight of and accountability through strengthening the regulatory structure for "large" providers.

A. Definition of a "Large" Provider

It was the consensus of the workgroup that the term "large" should not be used. It has different meanings to various groups and is sometime difficult to define. It should be replaced with the term Class "A" Providers.

A Class "A" Provider should be defined as an assisted living program that operates an assisted living facility, or multiple facilities, with a total number of beds equal to or greater than 17 and that has common ownership.

The concern was raised that some providers use different LLC or corporations for each facility that they operate. Ms. Benner indicated that Assistant Attorney General would need look into how that issue can be addressed.

B. Standards

The sub-workgroup discussed staffing requirements and came to consensus on the following items:

1. Awake overnight staff should be required for Class “A” Providers.
2. Staffing Ratios:

It was the consensus of the workgroup that there should be some type of stable, consistent, on-site licensed nursing oversight that is different from the role of the delegating nurse. The on-site licensed nurse would work in a team relationship with the delegating nurse.

It was also the consensus of the sub-workgroup that the following staffing requirements should be required for Class “A” Providers:

- 17 to 25 Beds – An on-site licensed nurse is required for at least 20-hours a week and should be available on an on-call basis;
- 26 to 49 Beds – An on-site licensed nurse is required for at least 40-hours a week and should be available on an on-call basis;
- 50 to 74 Beds – An on-site licensed nurse is required seven days a week, for at least eight hours a day and should be available on an on-call basis;
- 75 to 99 Beds – An on-site licensed nurse is required seven days a week, for at least eight hours a day and should be available on an on-call basis; and,
- 100+ Beds - An on-site licensed nurse is required seven days a week, for at least eight hours a day and should be available on an on-call basis.

II. Meeting Two: Assisted Living Advisory Workgroup

A. Call to Order and Introductions

The meeting of the Assisted Living Advisory Workgroup to order at approximately 10:00 AM.

B. Review of the Agenda

The Advisory Workgroup reviewed the meeting agenda.

C. Presentation by the Assisted Living Federation of America on the Certification of Assisted Living Program Managers

Ms. Benner introduced David Peete, Chief Operations Officer, with the Assisted Living Federation of America (ALFA). Mr. Peete discussed the national trend regarding the certification of assisted living program managers.

ALFA created a training resource university seven years ago to develop comprehensive assisted living specific training services and materials that are designed for adult learners. Mr. Peete indicated that there are about 12 states (Alaska, Arkansas, California, Hawaii, Michigan, Nevada, New Jersey, North Carolina, Oklahoma, Rhode Island, Texas, and Washington) that currently require some level of certification for assisted living program managers.

ALFA has developed a basic 40-hour core certification program that can be customized to meet a specific state's requirements. The program can be completed either through self-study or a combination of self-study and class room instruction. ALFA has developed an open-book competency examination for the program that can be taken on-line or mailed back to their university for scoring.

The program content includes an overview of many areas of responsibility for the assisted living program manager such as staffing, training, accounting, emergency planning, housekeeping, marketing, sales, OSHA, resident care, etc. Dementia-specific training comprises about eight to ten-hours of the 40-hour core program. Other manuals and videos are available that can be added to a customized program that may increase the dementia-specific training to 20 or 30-hours.

ALFA certification is awarded upon successful completion of the competency examination with a score of 85-percent or higher and is valid for two-years, renewable by completing the Lifetime Administrator Certification. The cost of certification is \$375 for materials and the examination and \$295 for small providers (defined as those with 38 or fewer beds) or two or more enrollees from one program.

D. Discussion: Certification or Licensure of Program Managers

The issue of the whether or not assisted living program managers should be certified or licensed was discussed. The following are areas of consensus that were reached during the meeting:

Consensus Statement: Maryland needs to require that Assisted Living Program Managers of Class A Providers should be certified by an appropriate licensing board.

It was the consensus of the Advisory Workgroup that a regulatory board should be established to certify and discipline assisted living program managers in Maryland. The legislature should give the board statutory authority to develop, control and enforce examination, education, and practice standards for assisted living program managers. The board should track certified program managers and have the ability to remove certification from those program managers who are determined to be bad actors by the

board. The board would develop curriculum requirements and approve organizations to provide assisted living program manager training.

III. Meeting Three: Definition of Family Sub-Workgroup

The Definition of Family Sub-Workgroup took place at approximately 11:15 AM. It was noted that the sub-workgroup was created because many of well intended individuals that provide quality care in their own homes, but cannot, and will never, be able to meet the current regulatory standards. This is not a resource or a quality of care issue; it is the reality of situation given the limited educational background of these providers. Therefore, it was the consensus of the Advisory Workgroup that a different type of model needs to be developed to address the needs of these providers. It is important to remember that this is a very small segment of the small provider community and is strictly limited to those individuals that are operating assisted living programs for one to three individuals within the provider's primary residence and do not employ caregivers.

Consensus Statement: Maryland needs to provide flexibility for those individuals who provide quality care to one to three individuals in family living environment.

These types of programs would be referred to as an Adult Care Home (ACH). These homes would be: registered with the Department, have periodic inspections, be subject to complaint investigations, could not provide medication administration and the State would have enforcement authority if the quality of care the resident receives is sub-standard. A level of care waiver could be requested by the provider for aging in place considerations. A waiver would be issued at the Department's discretion if it determined that the provider could handle the demands of the higher level of care.

An ACH would be defined as a registered home where one to three persons who are dependent, elderly and/or have disabilities, live and receive care and services from a care provider who is not related to them by blood, adoption, or marriage. Persons who live in ACHs and receive care and services are called residents in a family living environment. The ACH is the primary residence for the caregiver. The ACH may receive a government subsidy to care for the resident, if the resident qualifies for the program, or may charge the resident for room and board and minimal services.

IV. Next Steps and Sub-Workgroup Meetings

The next steps identified by the Advisory Workgroup were as follows:

- Staff will disseminate the Advisory Workgroup's web site address; and,
- A presentation by the Maryland Board of Nursing on the Delegating Nurse Study that the University of Maryland has recently completed is scheduled for the July 22, 2003.

Sub-Workgroup meeting schedule:

- Class “A” Provider (Large Provider) Sub-Workgroup will meet on Tuesday, July 22, 2003, at 9:00 AM in the Key Café (Employee’s Cafeteria) located on the campus of Spring Grove Hospital Center. Items that will be discussed will include certification of assisted living program managers, service plans, special care units, training, and documentation requirements.
- Assessment Tool Sub-Workgroup will meet on Tuesday, July 22, 2003, at 9:00 AM in the Long Term Care Conference Room of the Bland Bryant Building located on the campus of Spring Grove Hospital Center. For more information regarding this sub-workgroup, please contact Lynne Condon at 410-402-8102.
- Definition of Family Sub-Workgroup will meet on Tuesday, July 22, 2003, at 11:00 AM in the Key Café (Employee’s Cafeteria) located on the campus of Spring Grove Hospital Center. Items that will be discussed will include what should the basic health and safety standards should be for ACH, etc.

V. Adjourn

There being no further business before the Assisted Living Advisory Workgroup or its sub-workgroups, the meeting was adjourned at 12:15 PM.

Meeting Notes Prepared by: Kimberly Mayer